

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Biennial Regulatory Review – Amendment of)	WT Docket No. 03-264
Parts 1, 22, 24, 27, and 90 to Streamline and)	
Harmonize Various Rules Affecting Wireless)	
Radio Services)	

**REPLY COMMENTS OF THE NATIONAL PUBLIC SAFETY
TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these Reply Comments in response to the Commission's pending *Further Notice of Proposed Rulemaking* (FNPR) in this proceeding. The FNPR addresses whether to raise the radiated power (EIRP limits) for broadband PCS (Part 24), Advanced Wireless Services (AWS) (Part 27) and Cellular systems (Part 22) and whether a new methodology to calibrate EIRP should be adopted.¹

NPSTC's concerns relate to how the proposals effect adjacent public safety communications. NPSTC opposes any change to the standard of measurement for radiated power limits or in raising power limits in the 800 MHz band until the ongoing reconfiguration is completed. NPSTC believes that prior to any change in the methodology to measure and determine power limits or in the power limits themselves the record must show that there will be no adverse affect on any adjacent public safety operations.

¹ In the Matter of Biennial Regulatory Review- Amendment of Parts 1, 22, 24 , 27 and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, *Further Notice of Proposed Rulemaking*, WT Docket 03-264, FCC 05-144 (August 9, 2005).

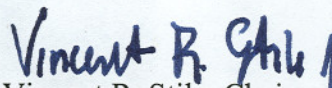
Motorola, Inc. (Motorola) recommends that the proposals not apply to the 800 MHz band or the 2500 MHz band encompassing the Broadband Radio Service (BRS) and Education Band Service (EBS) , which is also undergoing reconfiguration. Motorola's position that the power density approach has not been fully considered in mixed operational environments is well premised. NPSTC agrees with Motorola that the proposed changes can more accurately be assessed subsequent to reconfiguration.

NPSTC also agrees with the concern related by the Wireless Communications Association (WCA). WCA urges the Commission take a cautious approach when examining changes to maximum power levels. Inconsistencies across services result from differing environments and reflect a rational attempt to craft restrictions based on a specific environment. WCA points out that efforts to promote consistency between and among services must recognize that changes in power limits have material implications for network design, intermodulation interference and out of band emissions on an adjacent service. NPSTC believes that demands for changes based on consistency and motivated by licensee market orientation-- to use the spectrum with less investment-- must comprehend the impact on adjacent services. NPSTC urges the Commission to consider that in an effort by one segment of licensees to reduce their costs, additional costs not be imposed on other users of the radio spectrum.

In summary, NPSTC urges the Commission to examine the power density model

and the proposal to raise power limits in the context of how these changes impact any adjacent public safety services. NPSTC specifically urges that no changes be considered in the 800 MHz band until the reconfiguration process is complete.

Respectfully submitted,

A handwritten signature in blue ink that reads "Vincent R. Stile" with a stylized flourish at the end.

Vincent R. Stile, Chair
NATIONAL PUBLIC SAFETY
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January 17, 2006

CERTIFICATION

On January 17, 2006, a copy of the foregoing Reply Comments of the National Public Safety Telecommunications Council was filed in the Commission's electronic filing system.

January 17, 2006 / *John Shoyan*